



**AGENDA OF THE REGULAR SESSION
CITY OF AUBURN PLANNING COMMISSION
1225 LINCOLN WAY, AUBURN, CA 95603**

**February 18, 2014
6:00 PM**

Planning Commissioners

Lisa Worthington, Chair
Roger Luebke
Matt Spokely
Fred Vitas
Nick Willick

City Staff

Will Wong, Community Development Director
Reg Murray, Senior Planner
Lance Lowe, AICP, Associate Planner

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. APPROVAL OF MINUTES**

None

IV. PUBLIC COMMENT

This is the time provided so that persons may speak to the Commission on any item not on this agenda. Please make your comments as brief as possible. The Commission cannot act on items not included on this agenda; however, the items will be automatically referred to City staff.

V. PUBLIC HEARING

- A. USE PERMIT – 12972 EARHART AVENUE, SUITES 301 & 302 (AUBURN INTERFAITH FOOD CLOSET) – File # UP 14-01.** The applicant requests approval of a Use Permit to operate a Food Closet to be located at 12972 Earhart Avenue.
- B. VARIANCE – 110 CHANNING WAY (MURPHY TEA HOUSE) – FILE VA 14-1.** The applicant requests approval of a Variance to allow for the placement of an 8' x 6' accessory structure within the required 20-foot front yard setback of the property located at 110 Channing Way.

VI. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

- A. City Council Meetings**
- B. Future Planning Commission Meetings**
- C. Reports**

VII. PLANNING COMMISSION REPORTS

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

VIII. FUTURE PLANNING COMMISSION AGENDA ITEMS

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

IX. ADJOURNMENT

Thank you for attending the meeting. The Planning Commission welcomes your interest and participation. If you want to speak on any item on the agenda, as directed by the Chairman, simply go to the lectern, give your name, address, sign in and speak on the subject. Please try to keep your remarks to a maximum of five minutes, focus on the issues before the Planning Commission and try not to repeat information already given to the Commission by a prior speaker. Always speak into the microphone, as the meeting is recorded on tape. It is the policy of the Commission not to begin consideration of a project after 10:00 PM. Such projects will be continued to the next meeting.

Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Community Development Department during normal business hours.



CITY OF AUBURN

Planning Commission – Staff Report

Meeting Date: February 18, 2014

Prepared by: Lance E. Lowe, AICP, Associate Planner

**ITEM NO.
V-A**

**ITEM V-A: USE PERMIT – 12972 EARHART AVENUE, SUITES 301 & 302
(AUBURN INTERFAITH FOOD CLOSET) – File # UP 14-01.**

REQUEST: The applicant requests approval of a Use Permit to operate a Food Closet to be located at 12972 Earhart Avenue.

RECOMMENDED MOTION (APPROVAL):

That the Planning Commission take the following action:

- A. Adopt Resolution No. 14-03 (**Exhibit A**) to approve the Use Permit for a Food Closet, as presented, or as amended by the Planning Commission, which includes the following actions:
1. Adoption of a Categorical Exemption, prepared for the Use Permit as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
 2. Adoption of Findings of Fact for approval of the Use Permit as presented in the Staff Report; and,
 3. Approval of the Use Permit in accordance with the Conditions of Approval as presented in the Staff Report.

ALTERNATIVE MOTION (DENIAL):

- B. Direct staff to amend Resolution No. 14-03 for denial of the Use Permit, based upon substantial evidence presented at the public hearing, and provide it for Planning Commission consideration at the next available Planning Commission meeting.

BACKGROUND:

Applicant: Sandy Bassett, President, Auburn Interfaith Food Closet, Inc.,; 2985 Richardson Drive, P.O. Box 132, Auburn, CA; (530) 878-9324;

Owner: Premier Holdings; 12970 Earhart Avenue; Auburn, CA 95602; (530) 887-1984.

Location: 12972 Earhart Avenue (**Attachments 1 & 2**)

Assessor's Parcel Number: Portion of 052-010-031

Building Size: ± 4,860 square feet

Project Site:

General Plan: Industrial (COMM)
Zoning: Airport Industrial Design Control (AI-DC) District
Existing Land Use: Industrial Building(s)

Surrounding Land Uses:

North:	Industrial/Office	South:	Industrial/Office
East:	Industrial/Office	West:	Industrial/Office

Surrounding Zone Districts:

North:	AI-DC	South:	AI-DC
East:	AI-DC	West:	AI-DC

BACKGROUND:

The Airport Industrial-Design Control (AI-DC) Zone permits commercial uses in accordance with Section 159.036 (EE) "All uses permitted in the commercial districts subject to the approval of a Use Permit."

The Auburn Interfaith Food Closet, Inc., is a Nonprofit 501(c)(3) public benefit corporation which provides food to needy families. The Food Closet was incorporated in November 1998 and operates currently at 2985 Richardson Drive, Auburn, CA 95603. The operation is similar to a grocery store in that food is not cooked, but is distributed for consumer cooking. Food distributed is purchased from retail stores or donated by the community. The Food Closet is considered a food facility by Placer County Environmental Health Department.

PROJECT DESCRIPTION/ANALYSIS:

Applicant is proposing to relocate the Auburn Interfaith Food Closet to 12972 Earhart Avenue (**Attachment 3 & 4**). Applicant proposes to lease two suites (301 & 302) consisting of 4,860 square feet of an existing 7,290 square foot building on the ±2.2 acre site. Two other users occupy the site: Pacific Door within the same building (Suite 303) and Pacific Power in a separate 13,200 square foot building to the north.

The proposed Food Closet use will include ±840 square feet of office space and ±4,020 square feet of warehouse space that will be used for storing and assembling food for distribution to clients. There are 60 parking spaces on the ±2.2 acre site; 17 are immediately adjacent to 12972 Earhart Avenue, Suites 301-303, and will be utilized by food closet volunteers and clients. The other 43 parking spaces serve the Pacific Power building to the north. As part of their lease agreement, the applicant has been authorized to use up to 19 parking spaces on-site.

The Auburn Interfaith Food Closet operates four (4) hours, from 10:00 a.m. to 2:00 p.m., Monday through Friday and on the last Saturday of the month from 10:00 a.m. to 2:00 p.m. Staff volunteers average from 8 to 12 persons daily, during the hours open to the public. Occasionally, 2 to 3 staff persons from other organizations will be present.

The number of clients visiting the Food Closet varies each day; however, the average number of clients per day ranges from 39 to 47 weekdays, or 10 to 12 persons per hour on average, and 12

clients on Saturday or 3 per hour on average. Client visits may also vary seasonally and during holiday periods. Maximum clients per day range from 66 to 76 during peak seasons, or 17 to 19 per hour on average. Each client visit lasts approximately 15 to 20 minutes. Clients primarily include adults, although children may be present with their parents (**Attachment 3 – Auburn Interfaith Food Closet Project Description**).

Land Use Compatibility – The proposed Food Closet will be located at the east end of the building and will share the property with Pacific Door and Pacific Power; a door manufacturer and solar power systems purveyor, respectively. The surrounding land uses consist of light industrial and office uses.

In speaking with the applicant, the majority of clients arrive by automobile; however, clients may also arrive via public transportation or other modes of transportation (i.e. walking, bike, etc.). Placer County Dial-a-ride provides public transportation service to the site. The subject 2.02 acre site is fenced off on three sides from adjoining uses, so trespassing doesn't appear to be an issue.

In this regard, staff discussed the project with the Auburn Police Department and according to Placer County records; one (1) call for service was received in 2013 relating to the Food Closet at their current Placer County Richardson Drive address.

In review of the project and as conditioned, staff does not anticipate that the use will impact the neighboring office and light industrial users.

Parking – As noted, the entire ±2.2 acre site contains 60 parking spaces; 17 that serve the 7,290 square foot project site (12972 Earhart Avenue) and 43 that serve the 13,200 square foot building immediately north (12970 Earhart Avenue). Accordingly, parking on site equates to one parking space per 341.5 square feet of building square footage ($20,490/60 = 341.50$). The site exceeds the City's commercial parking standard of 1/400.

As noted in the Food Closet project description, the number of clients visiting the Food Closet varies each day; however, the average total number of clients per day ranges from 39 to 47 during the weekdays or an average of 10 to 12 per hour and 12 clients, or an average 3 per hour on Saturday. Client visits may also vary seasonally and during holiday periods. Maximum clients per day range from 66 to 76 during peak seasons, or an average 17 to 19 per hour. In addition, staff volunteers average from 8 to 12 persons daily during the hours open to the public.

Cumulatively, during the week, with an average of 11 clients and 10 volunteers, the total parking required is 21 parking spaces or 2 more than what has been reserved for the Food Closet during normal use periods. During the Holidays peak use periods, 18 clients and 10 volunteers or 9 more parking spaces than what has been allotted for the Food Closet are estimated.

To ascertain the availability of parking on-site, staff visited the site during the weeks of February 4 through February 13 to conduct parking counts. Staff's parking counts were conducted between 10:00 a.m. to 2:00 p.m. (during the hours of operation).

The results of the parking counts are as follows:

<i>12970 & 12972 Earhart Avenue Parking Survey</i>	
Time/% of Total Spaces Occupied	
<i>Day</i>	<i>10:00 a.m.- 2:00 p.m.</i>
February 4	18/60 (30%)
February 5	16/60 (26%)
February 6	18/60 (30%)
February 10	20/60 (33%)
February 11	21/60 (35%)
Mean % Per Time Period	19/60 (32%)

As noted above, the average number of parking spaces available during the hours of operation for the Auburn Interfaith Food Close was 41 parking spaces.

Based upon the average number of clients (i.e. 11 clients with 18 on average during the Holidays) coupled with the average number of volunteers (i.e. 10 volunteers), the number of persons visiting the site during the 4 hour period is not anticipated to exceed the available parking spaces on-site.

Based upon the above analysis and parking counts, staff does not anticipate that parking will be an issue based upon the high client turnover and site exceeding the City's parking standards for a commercial use. However, if there is a parking issue, staff is recommending the following Condition of Approval:

If parking becomes an issue, Condition of Approval No. A-4 allows the Community Development Department to require adjustments to be made in the use or hours of the building thereby reducing and/or alternating the parking demand/use of the availability of parking spaces in the area.

Airport Land Use Compatibility – With respect to compatibility with the Airport Land Use Plan, the project was forwarded to the Placer County Transportation Planning Agency (PCTPA) for staff review. In accordance with the Land Use Compatibility Plan, the ALUC considers Height, Noise & Safety. The ALUC staff has determined that the proposed Auburn Interfaith Food Closet is a compatible use with the Auburn Airport Land Use Compatibility Plan, Noise and Height provisions.

Safety considerations (i.e. number of persons per acre including sensitive populations ((i.e. children)) would be satisfied provided the applicant complies with the following conditions (**Attachment 5 – Airport Land Use Commission Compatibility Determination**):

1. The maximum number of people permitted at the Food Closet at any single point in time shall not exceed 50 people; and,
2. Children under 18 years of age shall be accompanied and/or supervised by an adult who is at least 18 years of age.

The above requirements have been imposed as Conditions of Approval A-5 & 6.

Moreover, if the number of persons visiting the site becomes an issue, condition of approval No. A-7 allows the Community Development Department to adjust the hours and/or use of the facility.

Condition of Approval No. A-9 requires that a sub-lease agreement be ratified by the City Council prior to issuance of a Business License.

Standard Building, Fire Department and Public Works Conditions have also been imposed.

Placer County Conditions of Approval No. C-1 requires the applicant to obtain any permits and pay the requisite fees to the Placer County Environmental Engineering (sewer) and Health Departments prior to the issuance of a Certificate of Occupancy.

As conditioned, it is staff's opinion that the findings for approval of the Use Permit can be made in the affirmative. Specifically, as conditioned, the proposed Use permit will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements. Staff therefore recommends approval of the applicant's request.

GENERAL PLAN/ZONING:

As depicted on the City of Auburn General Plan Land Use Map, the subject property is designated for Industrial use. The A-I-DC Zone permits commercial uses subject to approval of a Use Permit by the Planning Commission. Where applicable, General Plan land use policies and goals noted below are consistent with the Use Permit application:

- Land Use Element Goal 1: Guide development in a pattern that will minimize land use conflicts between adjacent land users.
- Land Use Element Goal 7: Provide a mix of commercial development to serve residents and visitors.
- Circulation Element Goal 5: Provide a full range of adequate public services for all area residents and businesses.

ENVIRONMENTAL DETERMINATION:

The Auburn Community Development Department reviewed the request pursuant to the California Environmental Quality Act (CEQA) and found it to be Categorically Exempt pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

ATTACHMENTS:

- Attachment 1** – Vicinity Map
- Attachment 2** – Aerial Photograph
- Attachment 3** – Auburn Interfaith Food Closet Project Description
- Attachment 4** – Building Floor Plan
- Attachment 5** – Placer County Airport Land Use Commission Consistency Determination dated January 16, 2014
- Attachment 6** – Site Photographs

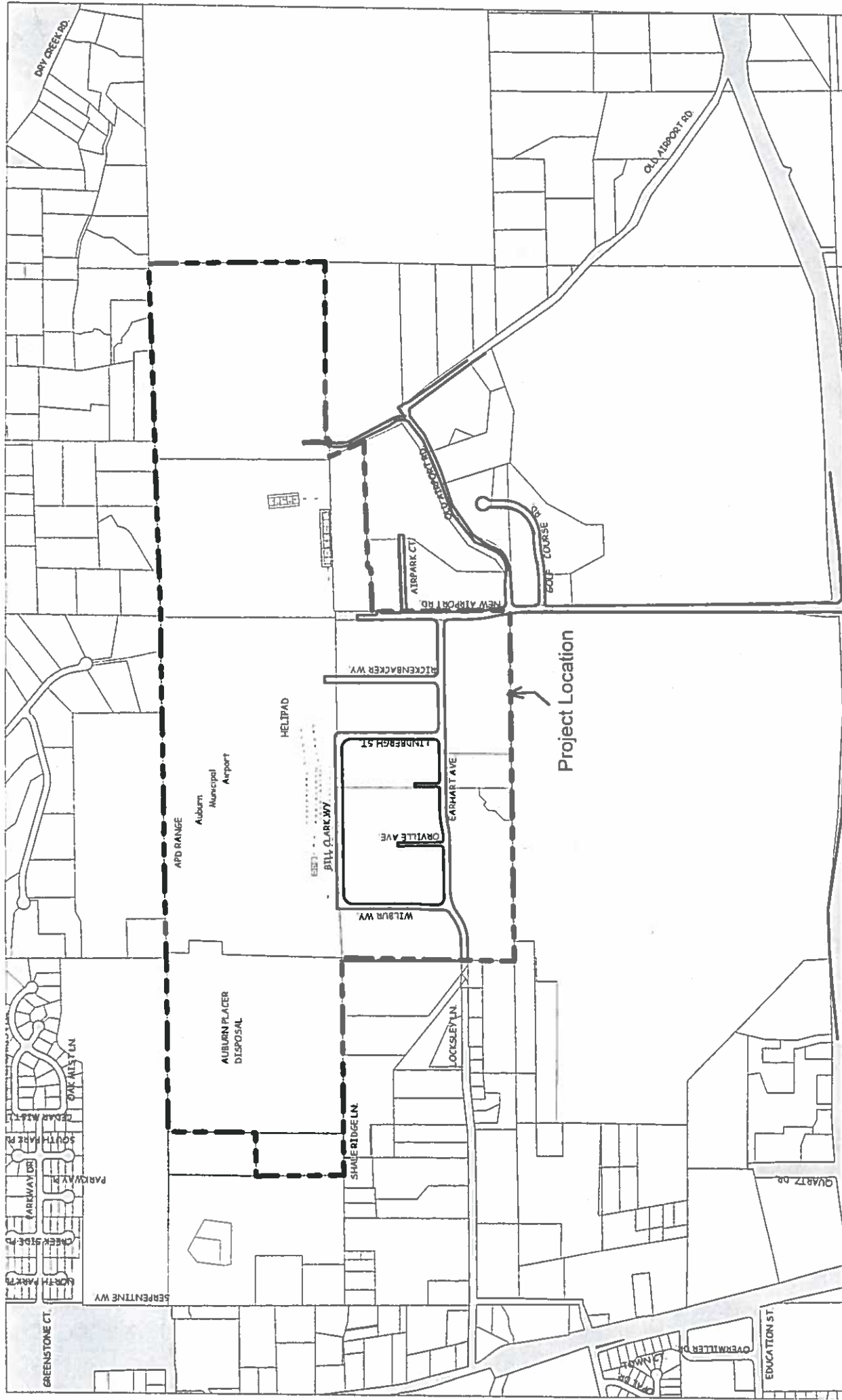
EXHIBIT:

- Exhibit A** – Planning Commission Resolution No. 14-3 with Findings and Conditions



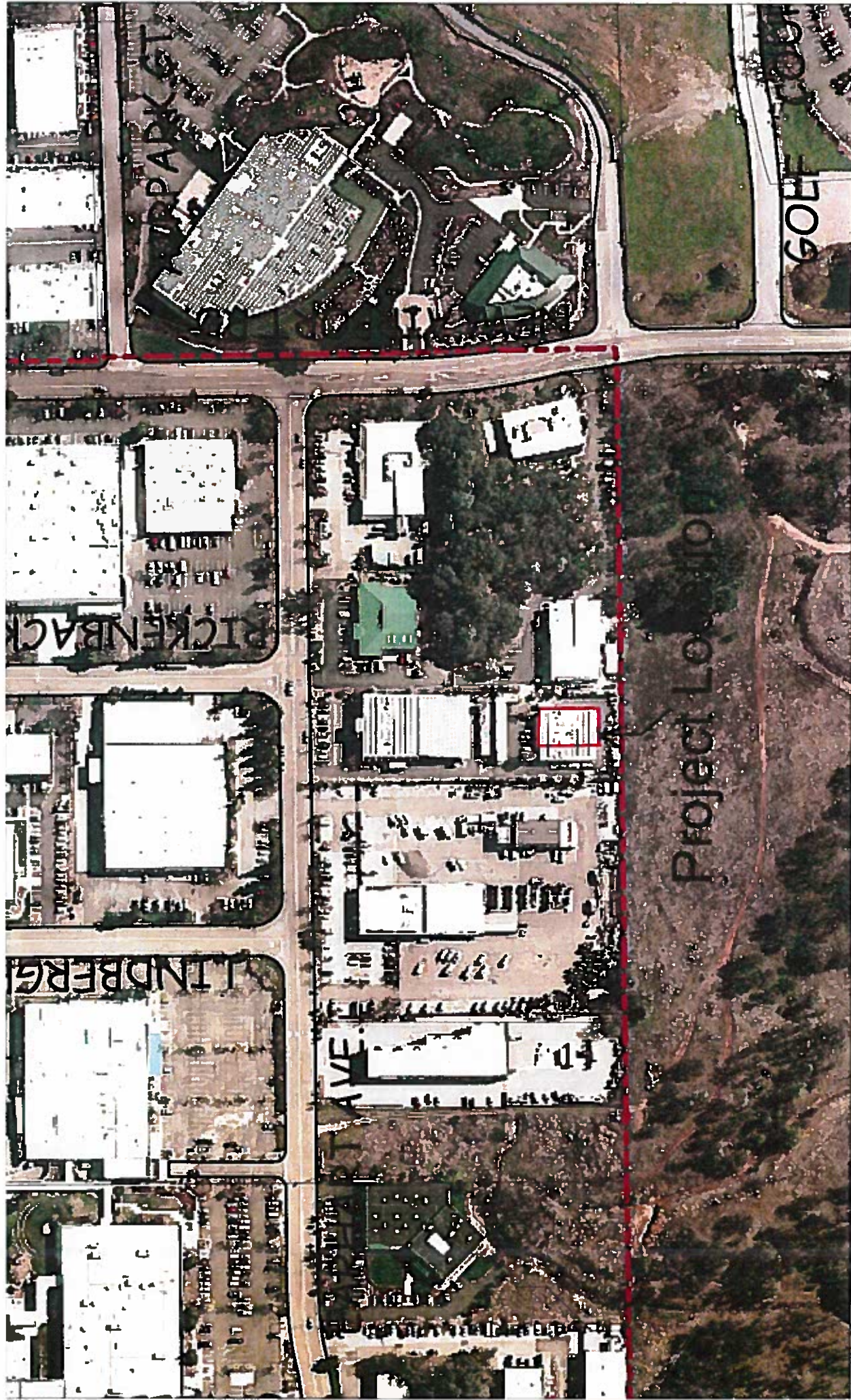
ATTACHMENTS

12972 Earhart Avenue



ATTACHMENT 1

12972 Earhart Avenue



ATTACHMENT 2



AUBURN INTERFAITH FOOD CLOSET, Inc.

2985 Richardson Drive
P. O. Box 132
Auburn, CA 95604
530-885-1921

USE PERMIT APPLICATION

LOCATION: 12972 Earhart Avenue, Suite 301 and 302, Auburn, CA 95602. This is an existing building located behind Pacific Power. Suite 303 is currently occupied by Pacific Door. Pacific Power is the property owner under the name Premier Holdings, Inc and is located in front of the building at 12970 Earhart Avenue. All external structures remain the same, including parking. This use permit is to be able to occupy the existing building.

TYPE OF BUSINESS: The Auburn Interfaith Food Closet, Inc. is a Nonprofit 501 (c) (3) public benefit corporation which provides food to needy families. The Food Closet was incorporated in November 1998 and operates currently at 2985 Richardson Drive, Auburn, CA 95603. The operation is similar to a grocery store in that food is not cooked but is distributed for consumer cooking. Food distributed is purchased from retail stores or donated by the community. The Food Closet is considered a food facility by Placer County Environmental Health.

HOURS OF OPERATION: Open to the public Monday through Friday and the last Saturday of the month from 10:00 a.m. to 2:00 p.m. Food deliveries average once or twice a day. Volunteers receive one or two donations a day from the community. Volunteers stock the food closet before and after regular hours of operation and on the weekends.

EMPLOYEES: There are no paid staff. This is an entirely volunteer run organization. There are from 8-12 volunteers present during the hours we are open to the public. Occasionally, Cal Fresh or UC Cooperative Extension will hold demonstrations of how to cook food to people as they wait to receive their distribution of food. There are usually two or three people from their organizations. We anticipate this to occur no more than once a month and will be inside the building.

INTERIOR SPACE: There is a total of 4,860 sq. ft. of space. 840 sq. ft is "office space" and 4,020 is "warehouse space".

"Office Space": This space consists of a:

- reception area where clients will be greeted and their information entered on our computer system. Clients may only come once every 30 days (except the homeless are allowed to come three times in one month);
- kitchen which will be used for repackaging bulk foods such as oatmeal, rice and beans; it will contain the required 3-compartment sink and already has a hand sink.
- an open space which will be a waiting area for clients to wait for their groceries
- another open space which will be used for storage and possibly demonstrations
- an office area for staff use only
- a bathroom which is ADA compliant except for it has a vanity under the sink
- Ceiling height is normal 8 feet.
- Two doors will exit from the office into the warehouse.

ATTACHMENT 3

Warehouse Space: This space

- is a very large warehouse which will be used for storing food and assembling food into grocery bags for delivery to clients. It will contain refrigerators and freezers as well as shelving units and tables.
- Grocery carts will be used to assemble the bags of food.
- contains a bathroom which is ADA compliant.
- A mop sink will be in the warehouse on the outside of the bathroom.
- A hot water heater will be located near the mop sink.
- There are two rollup doors, one of which will be used for deliveries and two walk-in doors, which will be used to receive donations from the community.
- Ceiling height is unknown, but possibly 48 feet.
- No public will be allowed in the warehouse.

PERSONS PER DAY:

The number of clients visiting the food closet will vary each day. Average number per day ranges from 39-47 on a weekday; 12 on a Saturday. However, there are fluctuations based on seasons and holidays. When we are closed on a holiday, the remaining days run higher making up for the time we are closed. Maximum numbers range from an average of 66-76 in a single day. Clients only come during the four hours we are open.

PARKING

There are 19 spaces in front of the building which can be used for staff and client parking. As each client is only at the facility for about 15-20 minutes we anticipate this will be sufficient to cover the parking needs. During overflow times, there is parking in the front of Pacific Power which we have been authorized to use and parking on the street. There is also room for parking at the rear and side of the building.

DEMOGRAPHIC

Primarily we serve Auburn area residents but we also serve all the foothill communities between Alta and Loomis, including Foresthill. We also serve the homeless. We serve single mothers with children, the disabled, the unemployed, the employed with low paying jobs, and those on fixed incomes.

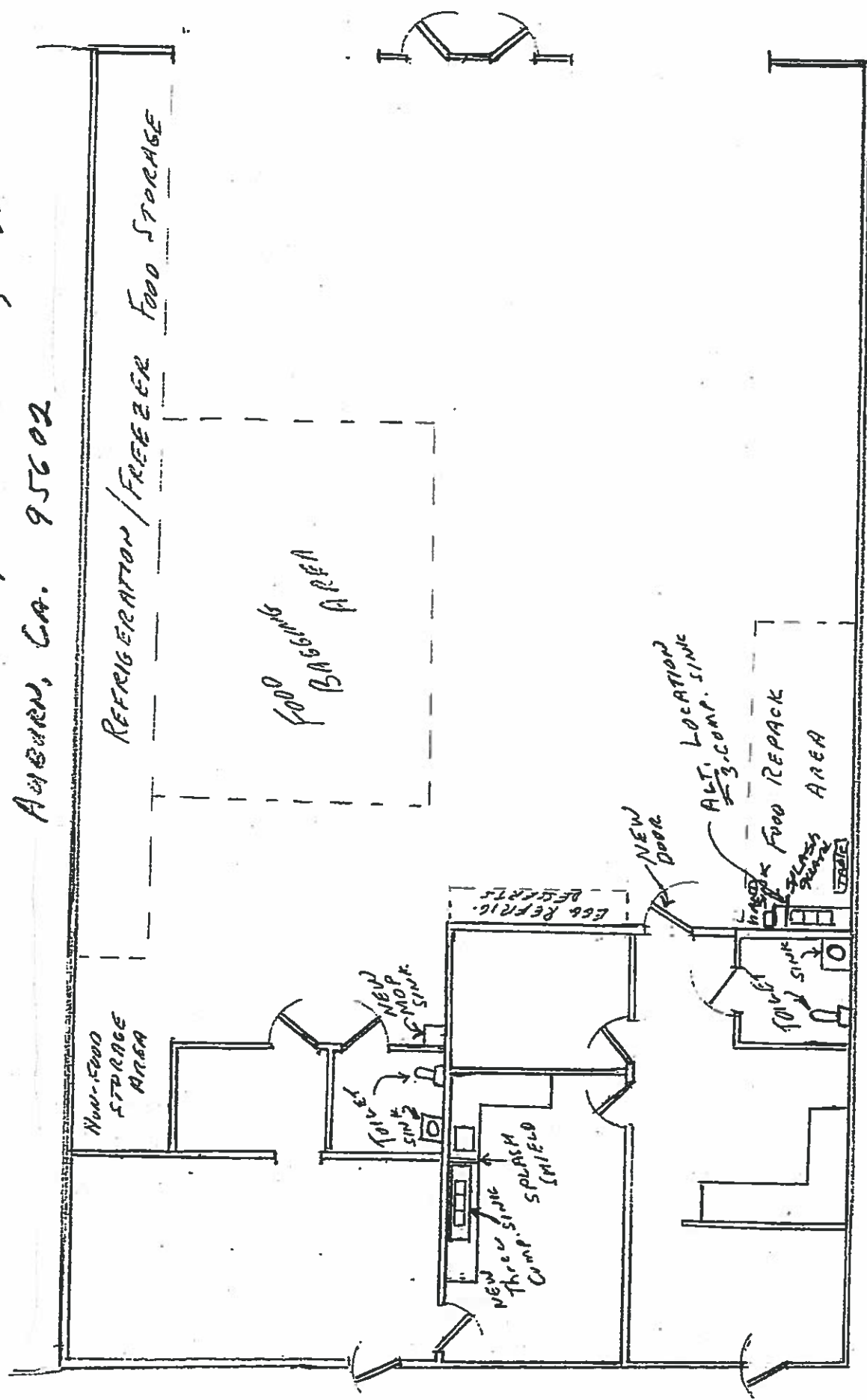
SUMMARY

This is a food closet which provides food to needy families and individuals. Our goal is to provide healthy nutritious food following the USDA Choose My Plate guidelines. We are a nonprofit community supported organization. No fee is charged for any food we provide.

CORPORATE OFFICERS:

Sandy Bassett, President, 530-878-9324, slbassett@att.net
Perry Edwards, Vice-President, 530-863-0329, rperryedwards@gmail.com
Laurie Soper, Secretary, 530-887-8044, lasoper@wavecable.com
Bonnie Abel, Treasurer, 530-885-1646, bonnie.abel@yahoo.com

AUBURN INTERMEDIATE FOOD CLOSET RELOCATION
 12972 FAIRMART, SUITES 301, 302
 AUBURN, CA. 95602



ATTACHMENT 4

(Scale 1" = 10')

**PLACER COUNTY
AIRPORT LAND USE COMMISSION**

REQUEST FOR STAFF REVIEW

**PLACER COUNTY AIRPORT LAND
USE COMMISSION (ALUC)**

299 Nevada Street
Auburn, CA 95603
Phone: 530.823.4030
Fax: 530.823.4036

Date Received: January 16, 2014

Received From: City of Auburn
Community Development Department

Airport Name: Auburn Municipal Airport

ALUC Case No.: 2013/2014 -- 9

Project Title: Auburn Interfaith Food Closet Use Permit

Project Description:

Applicant is proposing to relocate the Auburn Interfaith Food Closet to 12972 Earhart Avenue, Auburn (APN: portion of 052-010-031-000). The Auburn Interfaith Food Closet is a nonprofit organization, which provides food to needy families. The Food Closet is considered a food facility by Placer County Environmental Health. Food is distributed to clients; food is not cooked onsite; no fees are charged to clients for any food provided.

Applicant proposes to lease two suites consisting of 4,860 square feet of an existing 7,290 square foot building on a 2.2 acre site. Two other users occupy the site: Pacific Door within the same building and Pacific Power in a separate 13,200 square foot building. The proposed Food Closet will include 840 square feet of office space and 4,020 of warehouse space that will be used for storing and assembling food for distribution to clients. There are 62 parking space onsite, 19 are provided for Food Closet staff volunteers and clients. Additional parking is available onsite in the event of overflow.

The Auburn Interfaith Food Closet operates four hours Monday through Friday and on the last Saturday of the month from 10:00 a.m. to 2:00 p.m. Staff volunteer's average from 8 to 12 persons daily during the hours open to the public. Occasionally, 2 to 3 staff persons from other organizations will be present. The number of clients visiting the Food Closet varies each day; however, the average number of clients per day ranges from 39 to 47 weekdays, and 12 clients on Saturday. Client visits may also vary seasonally and during holiday periods. Maximum clients per day range from 66 to 76 during peak seasons. Each client visit lasts approximately 15 to 20 minutes; not all clients are present at the same time. Clients primarily include adults, although children may be present with their parents.

Application for: ☐ Rezone ☐ General/Community Plan Amendment ☒ Other

Background

On January 16, 2013, PCTPA received from the City of Auburn Community Development Department a proposed Use Permit project application for the Auburn Interfaith Food Closet, located at 12972 Earhart Avenue, Auburn.

1

ALUC Staff Comments

The Placer County Airport Land Use Compatibility Plan (Airport Compatibility Plan) illustrates that parcel APN: 052-010-031-000 is in the Auburn Municipal Airport's influence area boundary (see attached map)¹.

One Compatibility Zone - C1 - (Figure 3A and Compatibility Zone Boundary description – page 3-2) covers the 2.2 acre project site. The proposed Food Closet is located in Zone C1.

- Compatibility Zone C1 – The Extended Approach/Departure Corridor – covers locations beneath the predominately-used south-side traffic pattern. The zone is affected by moderate degrees of both noise and risk.

Primary Compatibility Criteria (Table 2A – page 2-16) summarizes maximum density/use intensity, prohibited uses, and other development conditions, including the following requirements for the project site:

- An airspace review for any objects greater than 70 feet tall; and
- An Airport Impact Disclosure Notice (deed notice).

Appendix D provides Compatibility Guidelines for Specific Land Uses. Appendix D does not clearly indicate whether the Auburn Interfaith Food Closet is a warehouse or retail food related use. Research indicates that Food Closets usually operate on the warehouse model, acting as food storage and distribution of food to clients. The Use Permit application notes that the Food Closet is considered a food facility by Placer County Environmental Health; the application also notes that no fees are collected for food distributed. For purposes of this compatibility review the Food Closet is considered a warehouse and distribution facility, which is generally a compatible use in Zone C1.

The ALUCP has no authority over approved development or existing buildings regardless of whether the uses are compatible with airport activities. This limitation over existing land uses applies only to the extent that the use remains constant. Proposals requiring City of Auburn discretionary review (such as expanding a use, converting to a different use, variances, or redevelopment) triggers ALUCP consistency determination by the ALUC.

The ALUCP requires that an ALUC consistency determination be completed on a proposed project before local agency approval.

ALUC Staff Evaluation

1. Noise. The project is located outside the 55 CNEL noise contour. The Food Closet's activities should be able to be carried out with essentially no interference from aircraft-related noise.

The proposal is consistent with Airport Compatibility Plan noise provisions.

2. Safety. The project is located in Compatibility Zone C1. The Primary Compatibility Criteria for Zone C1 indicates that nonresidential uses are limited to no more than 75 people per acre on

¹ See PCTPA's web site (www.pctpa.net) for more on the Airport Compatibility Plan.

average and 150 people maximum per any single acre and include all people (i.e., employees, customers, visitors, etc.) who may be on the property at any single point in time. Where the building design incorporates risk reduction features the use may qualify for a bonus allowing up to 195 people per acre.

The project site is approximately 2.2 acres and provides a total of 62 parking spaces for the two buildings located on the site. The Auburn Interfaith Food Closet proposes 19 parking spaces to meet its peak hours of operation. Food Closet parking represents 30.6 percent of the total required parking spaces for the six acre site.

The permitted average intensity for Zone C1 is 75 people average per acre; with a maximum of 150 people per any single acre. A 2.2 acre project site yields a maximum of 165 people. Auburn Interfaith Food Closet proposal would represent a daily average maximum of about 62 people onsite. This count includes 12 volunteer staff, 3 other staff, and 47 clients. A seasonal maximum potentially yielding 91 total persons can occur. It should be noted that not all clients are onsite at the same time; coming and going as food is distributed. Because other uses occupy the project site, a maximum of 50 people would be permitted at Auburn Interfaith Food Closet at any time absent further demonstration that: (1) other portions of the 2.2 acre site do not use their permitted average intensity – this would allow reallocation of other users intensities to the Food Closet; or (2) whether the building design incorporates risk reduction features that may qualify the use for an intensity bonus.

Also, the Use Permit application notes that children may be present at the Food Closet facility, accompanying parents. The term “children” is not specifically defined in the ALUCP, although Children’s Schools is defined to mean Kindergarten through Grade 12. In general, the ALUCP gives special attention to protection of children. Land uses in which the majority of occupants are children are people who have reduced effective mobility or may be unable to respond effectively to emergency situations. Generally, uses that serve primarily children are prohibited in Zone C1.

The proposal is consistent with Airport Compatibility Plan safety provisions provided:

- (1) The maximum number of people permitted at the Auburn Interfaith Food Closet at any single point in time does not exceed 50 people; and***
- (2) Children under 18 years of age must be accompanied and/or supervised by an adult who is at least 18 years of age.***

3. Airspace Protection. Compatibility Zone C1 requires an airspace review by ALUC staff for any structure greater than 70 feet in height. No building elevations were provided, however, the existing buildings upon field review appear below any height concern for airspace protection.

The proposal is consistent with Airport Compatibility Plan airspace protection provisions.

4. Overflights. Overflight compatibility concerns encompass a combination of noise and safety issues. Overflight policies have the purpose of informing prospective occupants about airport proximity. The project site is located in the vicinity of the airport’s general traffic pattern, where about 80 percent of aircraft overflights are estimated to occur. In Compatibility Zone C1 a deed notice shall be recorded for each parcel associated with any discretionary land use action reviewed by the ALUC.

**PLACER COUNTY
AIRPORT LAND USE COMMISSION**

The proposal is consistent with PCALUCP overflight provisions provided a deed notice is required.

General Note: the ALUC staff recommends that anyone intending to offer land for sale or lease with the airport's influence area to disclose this fact. California's Business and Professions Code (Section 11010) and Civil Code (Sections 1102.6, 1103.4, and 1353) specify required disclosure for certain actions. See www.leginfo.ca.gov/calaw (Find California Law).

Applicable ALUC Plan: Placer County Airport Land Use Compatibility Plan – October 25, 2000

Applicable ALUC Policy: ☐ Noise ☒ Safety ☐ Airspace Protection ☒ Overflight

☐ Compatible

☒ Compatible subject to Conditions (see ALUC staff comments)

☐ Incompatible because of –

- ☐ Safety
- ☐ Noise
- ☐ Height
- ☐ Density/Intensity

Reviewed by:

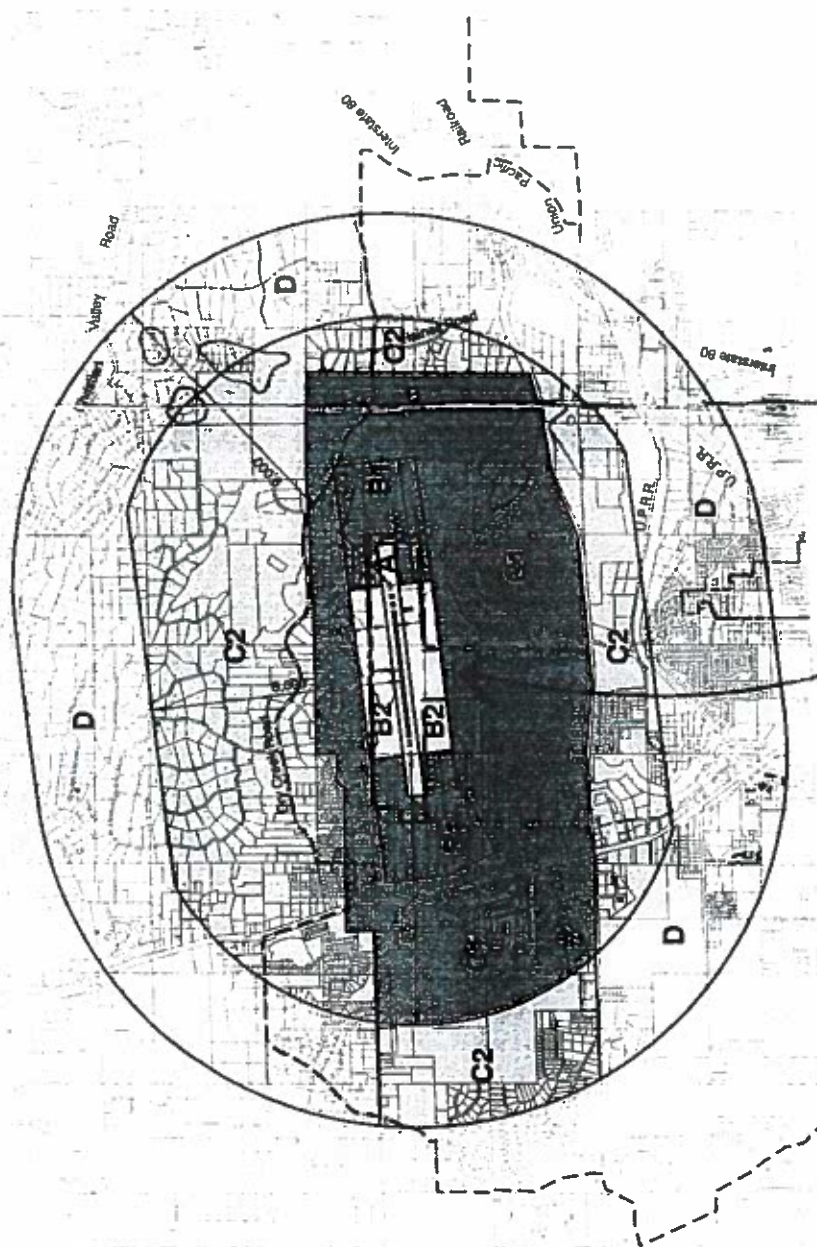
David Melko, Sr. Planner -- TEL: 530.823.4090

Date:

January 31, 2014

Copies:

City of Auburn, Will Wong
City of Auburn, Lance Lowe



Legend

Compatibility Zones

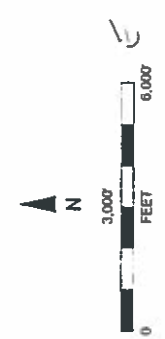
- Zone A
- Zone B1
- Zone B2
- Zone C1
- Zone C2
- Zone D

Height Review Overlay Zone

Boundary Lines

- Airport Property Line
- Auburn City Limits
- Auburn Sphere of Influence

Note: longitudinal dimensions measure from end of primary surface, 2007 from ends of extended runway

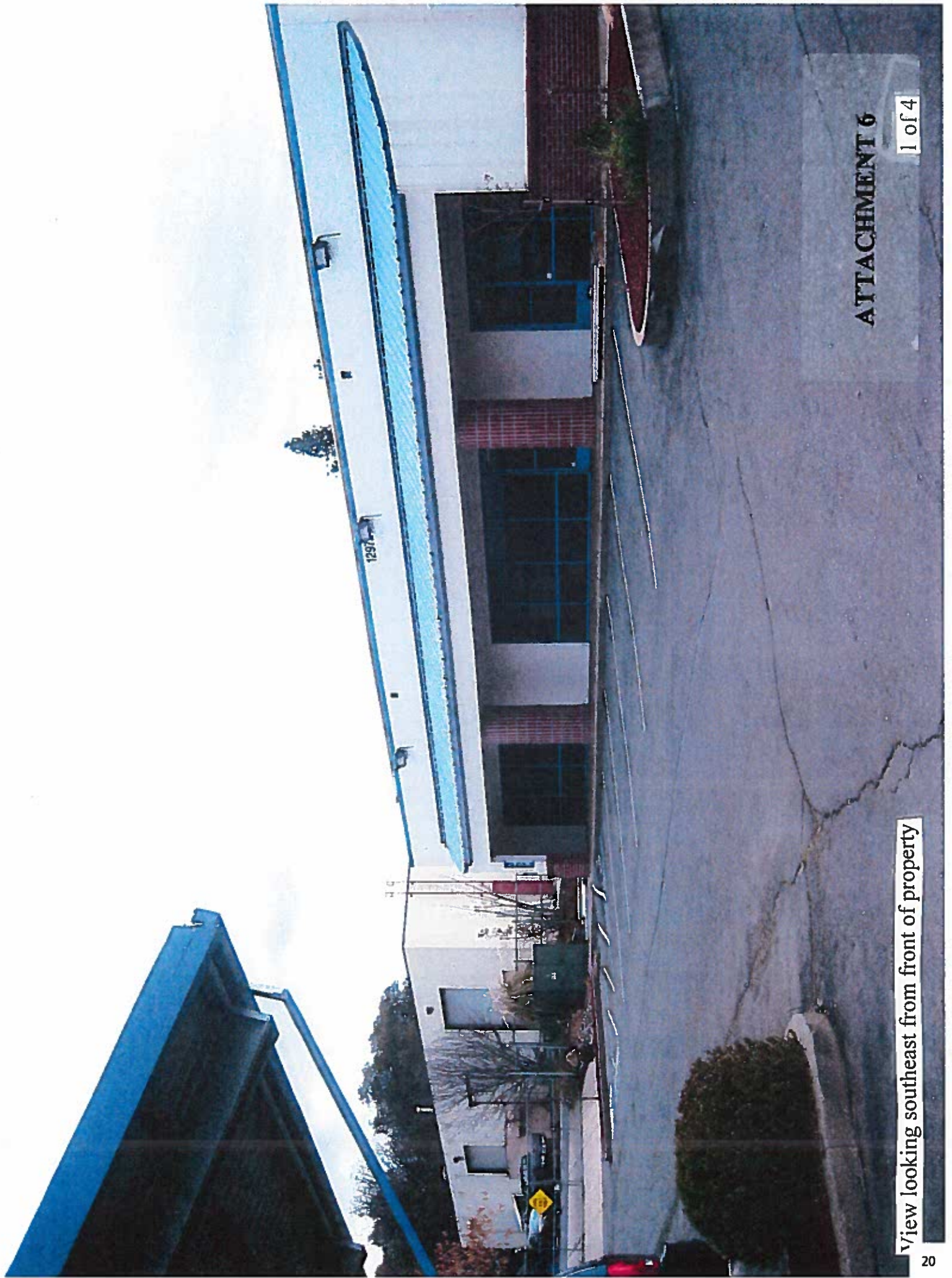


Source: Shurtliff Associates (October 25, 2000)

Figure 3.

Compatibility Map
Auburn Municipal Airport

Project Site



ATTACHMENT 6

1 of 4

view looking southeast from front of property





3 of 4

view looking northwest from front of property



View looking northwest from rear of property

EXHIBIT



EXHIBIT A

PLANNING COMMISSION RESOLUTION NO. 14-3 AUBURN INTERFAITH FOOD CLOSET (FILE UP 14-01)

Section 1. The City of Auburn Planning Commission held a public hearing at its regular meeting of February 18, 2014, to consider a request for a Use Permit from Auburn Interfaith Food Closet for the operation of a Food Closet facility in the Airport Industrial Design Control District (AI-DC) located at 12972 Earhart Avenue (File UP 14-01).

Section 2. The City of Auburn Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda report prepared by the Community Development Department for the February 18, 2014.
2. Site plan and project description submitted by the applicant.
3. Staff presentation at the public hearing held on February 18, 2014.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

Section 3. In view of all of the foregoing evidence, the City of Auburn Planning Commission finds the following for the Use Permit (File UP 14-01):

1. The establishment, maintenance, and/or conduct of the use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in such neighborhood or have an adverse effect on the inherent residential character of the City.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission finds that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Existing Facilities) of the CEQA Guidelines.

Section 5. In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission hereby approves a Use Permit (File UP 14-01) to operate the Auburn Interfaith Food Closet facility located at 12972 Earhart Avenue, subject to the following conditions:

A. USE PERMIT (FILE # UP 14-01)

1. This use permit is approved as described in the project description with such uses and structures, which are located as shown on the **Attachments 1 - 6** of the February 18, 2014 staff report. Minor modifications may be approved subject to review and approval by the Community Development Director. Any substantial revision to the use or any additions will require an amendment to this Use Permit.

2. The approval date for this project is **February 18, 2014**. This project is approved for a period of two (2) years and shall expire on **February 18, 2016** unless the project has been effectuated or the applicant requests a time extension that is approved by the Auburn Planning Commission pursuant to the Municipal Code.
3. In order to accommodate clients access to the Food Closet, during hours of operation open to the public, volunteers shall be required to reserve the immediate 11 parking spaces for clients and park on-site in parking spaces reserved in accordance with Auburn Interfaith's Lease Agreement.
4. If at any time the Community Development Department finds that a parking problem exists, the Community Development Department may require adjustments to be made in the use or hours of the project thereby reducing and/or alternating the parking demand/use of the availability of parking spaces for the project site.
5. Auburn Interfaith Food Closet shall be operated as provided in the project description and shall be limited to 50 people at any one time.
6. Children under 18 years of age are not allowed to use the Training Center unless accompanied and/or supervised by an adult who is at least 18 years of age.
7. If at any time the Community Development Department finds that the number of persons (i.e. 50 people), becomes an issue, the Community Development Department may require adjustments to be made in the use or hours of the project thereby reducing the number of people at any one time.
8. A sign permit shall be reviewed and approved by the Community Development Department for any proposed signage.
9. Prior to the issuance of a Business License, a sub-lease agreement shall be ratified by the City Council.
10. The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorneys fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of this use permit, or the activities conducted pursuant to this use permit. Accordingly, to the fullest extent permitted by law, the applicant shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorneys fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this use permit, or the activities conducted pursuant to this use permit. Applicant shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

B. BUILDING DEPARTMENT

1. All buildings shall comply with egress, access and all other code requirements per the current editions of the California Codes.
2. Prior to construction, the applicant shall obtain the requisite building, plumbing, mechanical and electrical permits from the Building Division.

C. PLACER COUNTY

1. Prior to the issuance of a Certificate of Occupancy, the applicant shall obtain the requisite permits from the Placer County Environmental Engineering and Health Department(s).

D. PUBLIC WORKS DEPARTMENT CONDITIONS:

1. Prior to any work within the City right-of-way, an encroachment permit shall be obtained from the City of Auburn Public Works Department.

Streets:

2. The applicant shall be responsible for repairing any damage to the existing City roadways sustained as a result of the construction activities associated with this project.

Storm Drainage:

3. The applicant shall use Best Management Practices (BMP's) for the capture of oil and petroleum products from the parking areas. These BMP's shall be subject to Public Works Department approval.

General:

4. All improvements shall be designed and constructed to current City of Auburn Standards.
5. The developer shall require construction contractors and subcontractors to reduce construction waste by source separating construction materials onsite for recycling or require that all construction debris be delivered to the Placer County Western Regional Materials Recovery Facility where recyclable material will be removed.

E. FIRE DEPARTMENT

1. The project shall comply with the standards of and pay all required Placer County Fire Department fees.

Section 6. In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission, upon motion by Commissioner _____ and seconded by Commissioner _____ hereby finds the project exempt from CEQA and approves the Use Permit to operate a Food Closet at 12972 Earhart Avenue (File UP 14-01), subject to the conditions listed above and carried by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED AND ADOPTED this 18th day of February, 2014.

Chair, Planning Commission
of the City of Auburn, California

ATTEST: _____
Community Development Department



CITY OF AUBURN

Planning Commission – Staff Report

Meeting Date: February 18, 2014

Prepared by: Reg Murray, Senior Planner

**ITEM NO.
V-B**

ITEM V-B: VARIANCE – 110 CHANNING WAY (MURPHY TEA HOUSE) – FILE VA 14-01.

REQUEST: The applicant requests approval of a Variance to allow for the placement of an 8' x 6' accessory structure within the required 20-foot front yard setback of the property located at 110 Channing Way.

MOTION FOR APPROVAL:

Adopt Resolution No. 14-02 (**Exhibit A**) approving the placement of an 8' x 6' accessory structure within the required 20-foot front yard setback; or as amended by the Planning Commission.

ALTERNATIVE MOTION (DENIAL):

Direct staff to amend Resolution No. 14-02 for denial of the Variance application, based upon substantial evidence presented at the public hearing, and provide it for Planning Commission consideration at the next available meeting.

PROJECT INFORMATION:

Applicant: Maureen Murphy; 110 Channing Way; Auburn, CA 95603; (530) 401-8758

Owner(s): Maureen Murphy & Michael Murphy; 110 Channing Way; Auburn, CA 95603; (530) 401-8758

Location: 110 Channing Way (Attachments 1 & 2)

Assessor's Parcel Number: 003-211-006

Lot Size: ±7,300 square feet (±.17 acres)

Project Site:

Zoning: R1-7; Single-family residential (min. parcel size 7,000 s.f.)

Existing Land Use: Single-family dwelling with accessory structures

Surrounding Land Uses:

North: Single Family Residential **South:** Single Family Residential

East: Single Family Residential **West:** Single Family Residential

Surrounding Zone Districts:

North: R1-7 **South:** R1-7

East: R1-7 **West:** R1-7

BACKGROUND:

The property at 110 Channing Way came to the attention of the Code Enforcement officer due to a complaint in October, 2013. Upon investigation, it was determined that there were several issues that required the attention of the property owner:

- Materials and a pop-up tent were placed in the driveway. These items were subsequently removed by the owner at the request of the City.
- A six-foot tall bamboo fence had been erected at the back of sidewalk in both the front yard (facing Brook Road) and side yard (facing Channing Way); the City's zoning code only allows for a three-foot tall fence in these locations. The property owner applied for an administrative permit to allow the six-foot tall screen fence. The administrative permit was approved by staff on December 26, 2013 and the property owner has reinstalled the bamboo fence.
- A 6' x 8' accessory structure (i.e. a tea house) had been placed in the required front yard of the property.

The subject property at 110 Channing Way is located at the southwest corner of Brooks Road and Channing Way (Attachment 1). The front yard of the property faces Brooks Road (Attachment 2). The property is located in the Single-family Residential (R1) zone district; the required front setback for the R1 zone is 20'. The tea house is located 6' from the front property line (i.e. the back of walk along Brooks Road), and is therefore situated within the required 20' front setback.

PROPOSAL AND ANALYSIS:

The applicant is requesting approval of a Variance to allow for the tea house to remain in the front yard setback. As noted, the required front setback is 20-feet. The resulting front setback for the accessory structure is six-feet (see Exhibit B). A letter explaining the applicant's request has been provided (Attachment 3). Photographs of the accessory structure are provided with Attachment 4.

In order for the Planning Commission to approve a Variance request, the Commission is required to make two findings of fact:

1. *The granting of the variance will not be inconsistent with the limitations upon other properties in the vicinity and district in which the property is situated.*

The Planning Commission approved a similar variance request for 171 Brook Road in April, 2007. That variance request (File VA 06-4), for a property on the opposite side of the street immediately to the west (Attachment 2), allowed a 14' front yard setback (required setback - 20') for a detached carport. The variance also approved a four foot side yard setback (five feet required) and a five foot separation between the carport and house (required separation – 10').

2. *That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity in the same district.*

The subject property is a 7,300 square foot corner lot that is part of an older subdivision (i.e. the Oak Terrace subdivision approved in 1941). The front of the lot faces Brook Road (i.e. the narrow frontage of the lot), while the front of the residence was constructed facing Channing Way. Based on the configuration of the lot and orientation of the house, the rear of the lot is less conveniently located so the “front” yard is actively used by the owners.

The applicant obtained support for the variance from a number of neighbors in the area as reflected by the attached letters of support (Attachment 5) and signed petitions (Attachment 6).

ENVIRONMENTAL DETERMINATION:

The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and found it to be Categorically Exempt per Section 15303 (New Construction or Conversion of Small Structures) and 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines.

ATTACHMENTS:

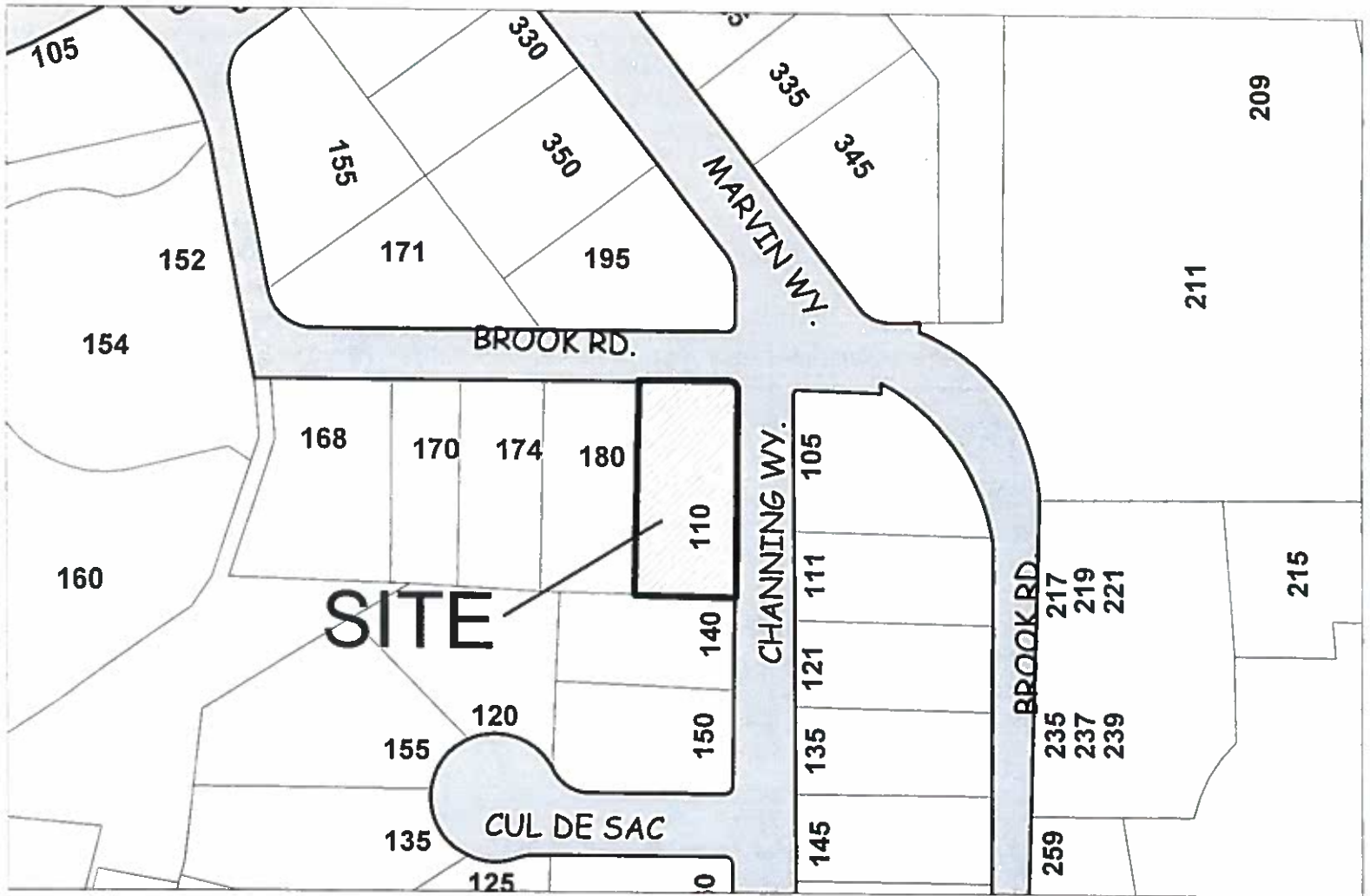
1. Location Map
2. Aerial Photograph
3. Applicant letter
4. Site Photographs
5. Neighbor letters in support
6. Neighbor petitions in support

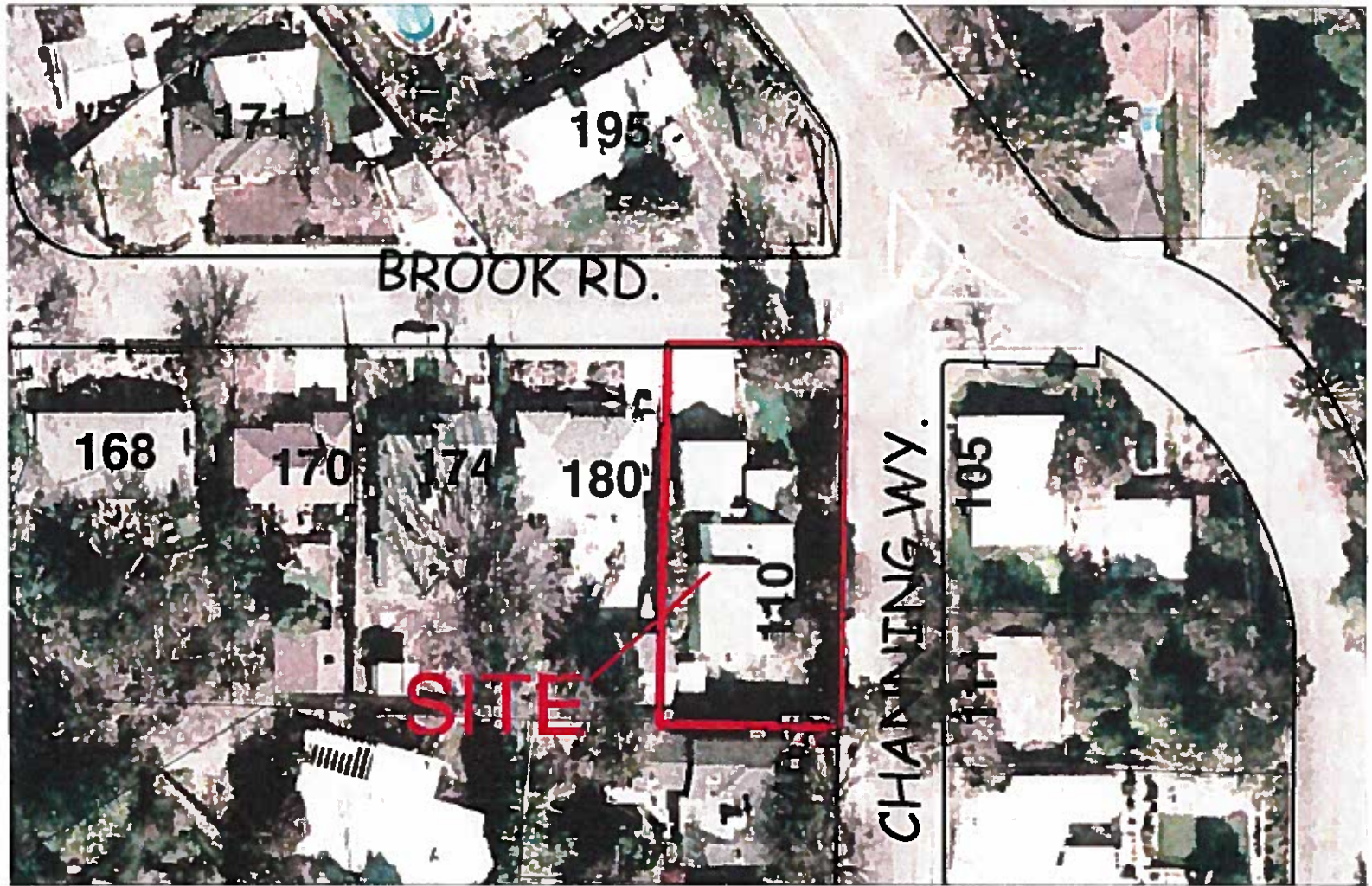
EXHIBITS:

- A. Planning Commission Resolution 14-02
- B. Site Plan

Variance - 110 Channing Way

ATTACHMENT 1





January 22, 2014

Maureen Murphy and Scott Birk

110 Channing Way

Auburn, CA 95603

City of Auburn

1225 Lincoln Way

Auburn, CA 95603

RECEIVED
JAN 23 2014
COMMUNITY DEVELOPMENT
CITY OF AUBURN

Auburn Planning Commission

3091 County Center Dr

Auburn, CA 95603

Re: Application for setback variance: 110 Channing Way, Auburn, CA

Dear City of Auburn and Auburn Planning Commission,

We would like to take the opportunity to describe the six reasons behind our request for an area zoning variance.

1. The current use of our property is reasonable
2. The strict application of zoning rules would deny our privileges
3. The teahouse is not inconsistent with limitations of other properties
4. The current location is the least intrusive solution
5. The design and location is consistent with the character of our neighborhood
6. Moving or removing the teahouse would cause undue hardship

We built our modest 6' x 8' structure in 2012 to provide a private sanctuary for contemplation and relaxation- a reasonable use of our property. When considering the location of the site, we quickly realized that due to the nature of our corner lot, we had very few options to choose from. Our "back yard" has zero buildable space due to setbacks; our "front yard" on Channing Way has zero buildable space due to setbacks; and our "side yard" on Brook Ave (which may now be considered our front yard by certain standards) had two siting options for building.

Our lot is on the corner of Brook Ave and Channing Way. Our address is, and our front door faces, Channing Way. Therefore, it seems our side yard would be facing Brook Ave. However, it has come to our attention that due to certain calculations, the teahouse, on Brook Ave, is located in our front yard, with the corresponding increased setback and our side yard is on Channing Way. Because of the shape and ambiguous setbacks of our property, the strict application of zoning standards would deny us the freedom to improve and enjoy our yard in a reasonable manner consistent with our neighbors and neighborhood.

We chose the present location because we thought it would place the structure in a hidden area behind a tree, instead of the middle of our yard (the only other option) where it would be considerably more visible to pedestrians, less private and more intrusive.

Moreover, the site and structure is consistent with the character and zoning of at least 20 other outbuildings located in our immediate and surrounding neighborhoods. Therefore, granting the area zoning variance will not be inconsistent with the limitations upon other properties in the vicinity.

We do not seek a variance that would allow us to use our property commercially in a residential neighborhood, nor do we wish to build a three story structure that while conforming to building codes and zoning ordinances, fails to maintain the character of our neighborhood. We have generated unanimous support for maintaining our structure as is; we would be surprised if more than one person had any objections. If, however, it was suggested that we move or remove our teahouse, the emotional, financial and physical hardship involved would be insurmountable, and unnecessary.

Maureen Murphy, Scott Birk, and at least 40 neighbors respectfully request that the area variance to allow the present location of our teahouse be granted.

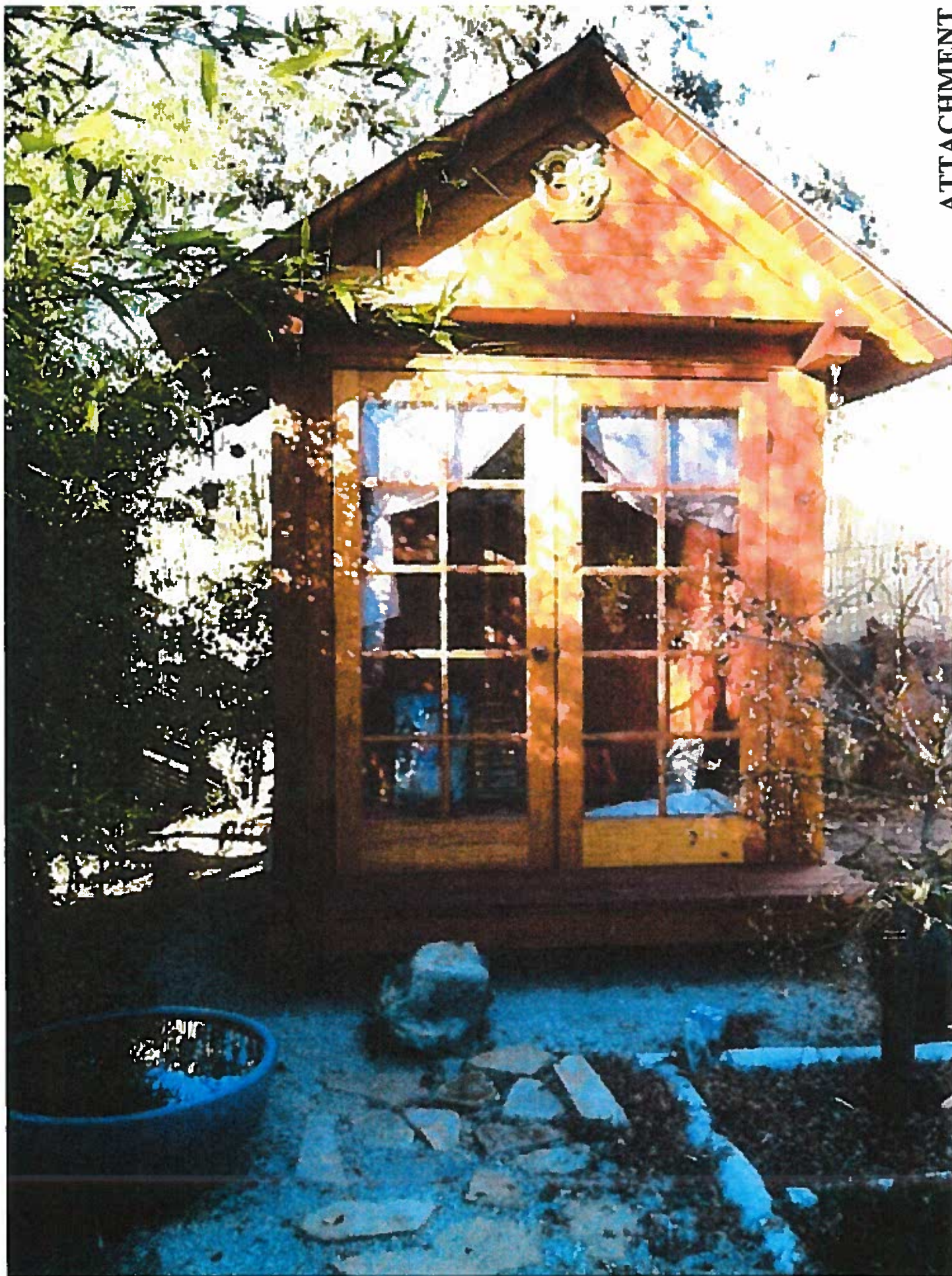
Sincerely,

Maureen Murphy

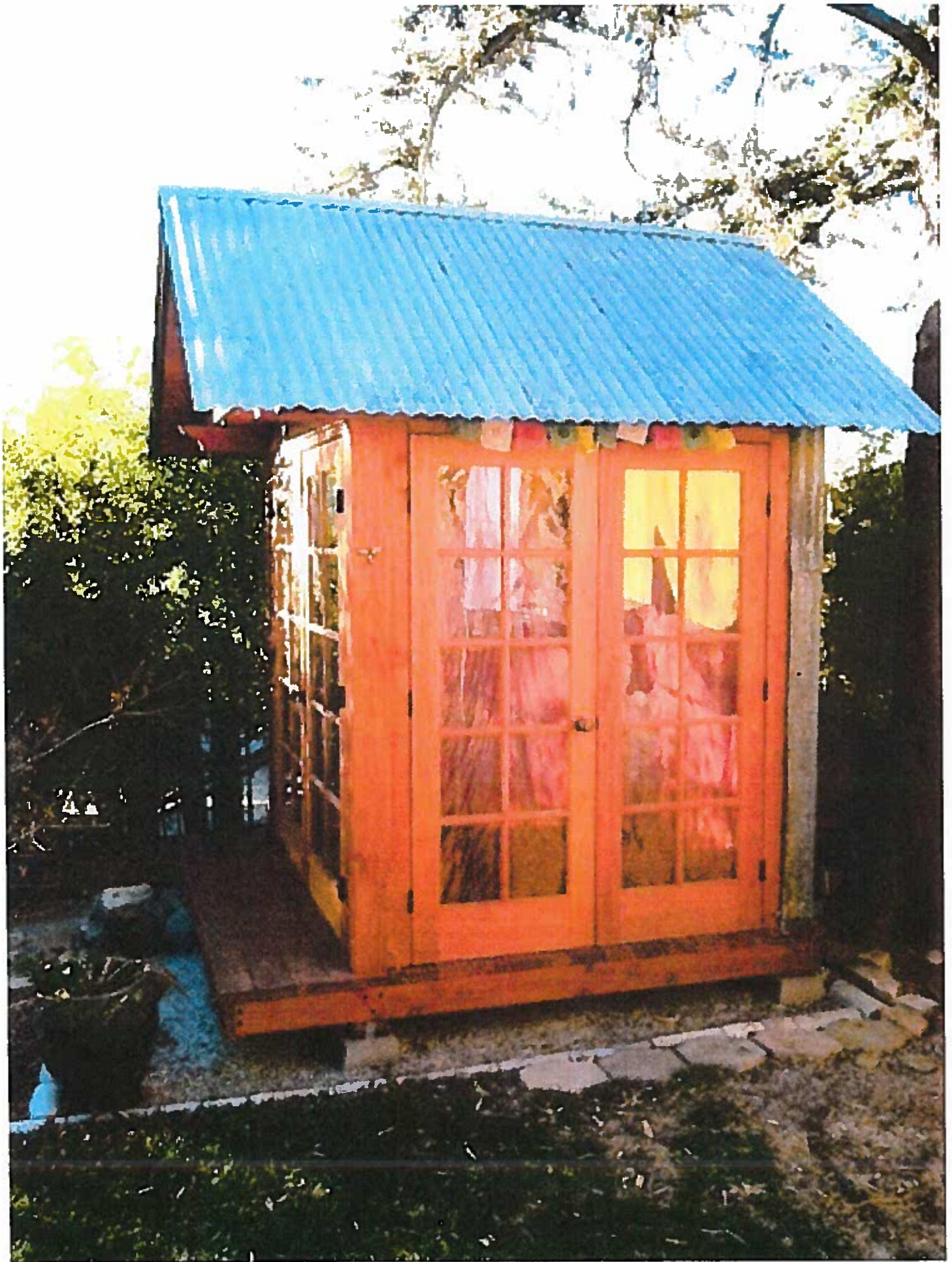
Scott Birk

ELEVATION

ATTACHMENT 4



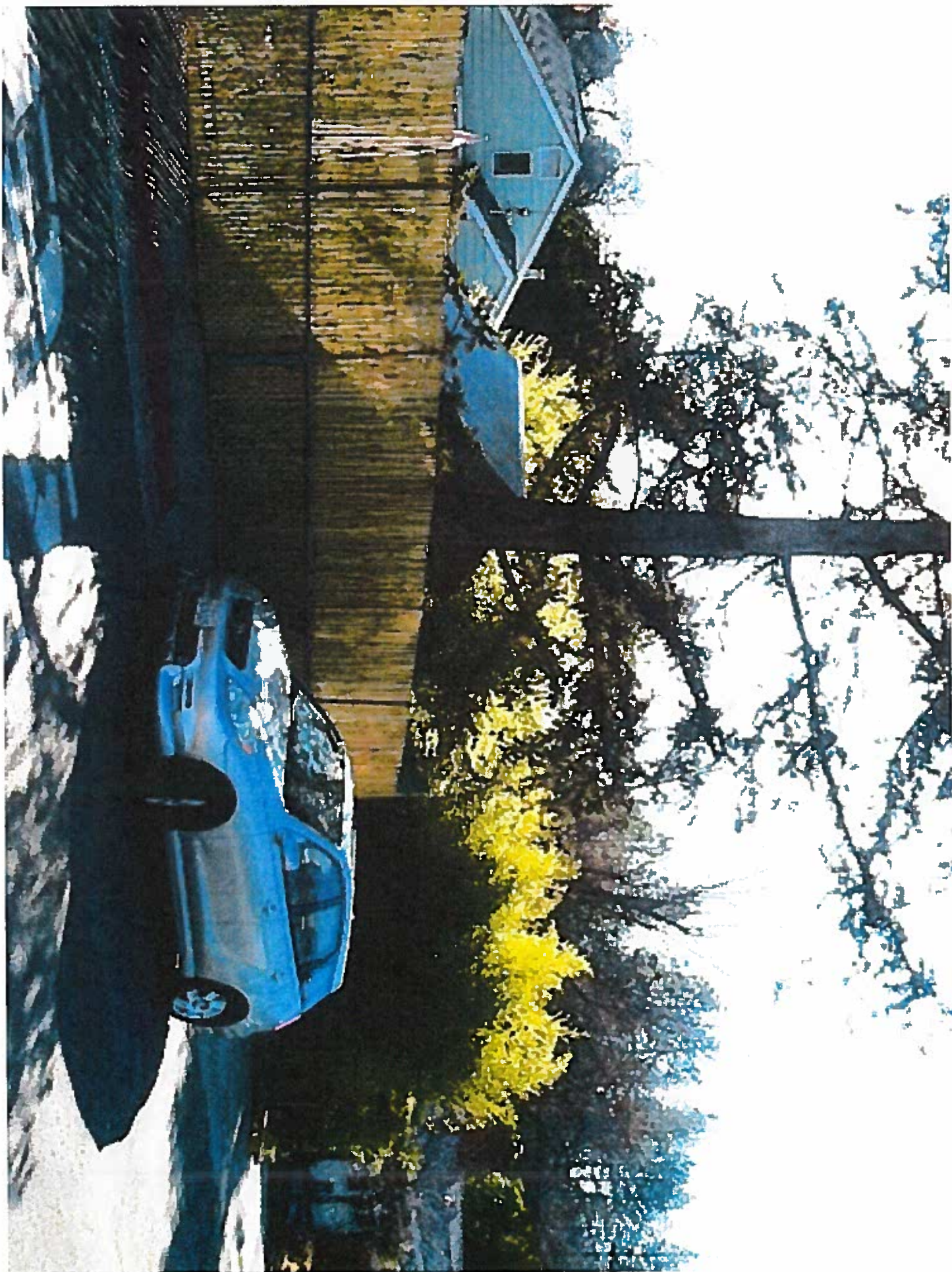
ELEVATION



VIEW FROM CHANNING



VIEW FROM ROCK



VIEW FROM INTERSECTION



Mary Rossitto
202 Robie Drive
Auburn, CA. 95603

City of Auburn
1225 Lincoln Way
Auburn, CA. 95603

Re: Maureen Murphy & Scott Birk
110 Channing Way, Auburn, CA. 95603
1/10/14

RECEIVED
JAN 24 2014
COMMUNITY DEVELOPMENT
CITY OF AUBURN

Dear Auburn City Review Board,

My name is Mary Rossitto, born in Auburn faith hospital 35 years ago, and I have been a Robie Point community member for over 7 years. I have loved and valued the location, geography, roads, trails, trail runners, recreational visitors, and neighbors in my community as well as their beautiful properties and homes. One of the reasons that I love and cherish Robie Point, and do not stand alone in saying this, is that it has a such a unique stewardship of public, preserved and private land convergence of old, and with it old land sharing rules unlike the ones of our modern times.

It does not require a gate, nor do most of the community members want one. Why? Because this negates the very open-armed, come grab a morning cup of coffee on my front porch and we can talk about the ecology, trails or when the last time this particular Western States runner was last passing through 15 years ago when they ran that hot June night!

There is not a HOA or PUD to dictate what or how things need or should be, rather a common culture and values that have us working together and admiring the creative endeavors of building, landscaping delights and minimalist pleasures, terraced back yard retreats, ornate fences and natural settings. Our labors of love are seen in orchards of old and new, gardens for fun, flowers, birds, bears, deer, glory, food production, or giant pumpkin growing contests.

Garages open to be seen and spilling over with gear galore and recreational toys of four wheel drive autos, kayaks for the flat and white water, bicycles and helmets for the whole family, and not just mountain bikes but road bikes, cruiser bikes, tandem bikes and more. Snow shoes, down hill skis, cross country skis, snowboards, backpacking gear. Chicken coops, stables, barns, trucks to haul dirt, trailers to haul horses (that's right, we are one of the few City of Auburn neighborhoods to be allowed these animals), Volkswagens to be worked on, bikes and toys slung about because that is how people who are living a full life, in the midst of being present in life live.

We get to own a little slice of heaven on earth and here in Robie Point, we do not judge when our fellow neighbor attempts for a harmless beautification. Rules are not necessarily broken, rather do not require the same application in some of these older designed homes, streets, cross streets, etc. Newer laws when applied simply infringe on the former intended freedoms that simply cannot be held up based on

a blanket law of enforcement. It is necessary in this area to take specific occurrences into account for the outcome and impact.

I have spent countless joyful and serene hours at Maureen and Scott's house and love the artistry and time they have put into their oasis. Every time I go to their home I verbalize my gratitude for sharing their home with so many friends, family and neighbors so that we can dream and visualize what is possible to create on our own landscapes. Please go see for yourself how they have taken a small piece of land so close to neighbors and made it feel private and homey and like a feature property from Sunset Magazine. I have driven by this house several times a day for 7 years and loved watching the progression and it has always inspired me to take one more action of beautification on my own home.

The last year's addition of the meditation house was just spectacular. Not everyone is as committed to their medication, relaxation, happiness and health as Maureen. It also inspires me to get up daily and meditate and begin with a clean slate. Maureen and Scott have chosen a life rooted in older simple values living in a close-knit community and a small house. This 1000 square foot home is economically within their means, sustaining their entire family, fulfills their aesthetic pleasures both inside and out, employs all of their artistic talents, and literally houses a miniature temple that is used for prayer, meditation, fun, friends, music, napping, sharing, and acts as a quiet getaway retreat from the full house of family members. Sometimes one wall away is not enough space, or a mother or father needs to sit outside in the rain to hear it quietly but be dry and warm and feel calm and relaxed. The fact of the matter is that they own their home and property and are maximizing the space in a very beautiful, rational, and at zero impact to the surrounding neighbors.

I admire Maureen & Scott for supporting their values. They have decided against a consumer driven culture to live in grandiosity, show, and in separatism. In my opinion, this is the best beautification we could all possibly contribute to the neighborhood and world at large. I would also like to take this opportunity to point out a recently upsetting City Planning Department approval for a towering house at the end of Channing on Terrace that fits nowhere into the landscape of the houses anywhere within its surroundings. If that monstrosity was approved, I do not see how a small shed with a roof that is nearly four feet below the surface of a sidewalk could even be an argument in question.

Imagine if in our world everyone were working on their inner house, that is, the one within, and having less focus and concern for pointing the finger outward. Well, at least look at Robie Point, next to Channing Way, because, those are exactly the type of people I am surrounded by, and that is why I have stayed in such harmony and peace for so long.

Now imagine that people start to take these simple loves away and remove a uniqueness that is already so hard to find?

Now why would we want that? Isn't that worth fighting for?

Respectfully yours,

Mary Rossitto

Robie Point Neighbor,

Community Garden Committee Member,

Independent Hair Stylist at Argonauta Salon

Scott and Erin Emerson
155 Terrace St.
Auburn, CA 95603

January 18, 2014

City of Auburn

To Whom It May Concern:

I am writing this letter to inform you that our family appreciates the Birk's effort to beautify and maintain their property. Since moving into the neighborhood, they have spent countless hours improving their corner lot. The addition of the meditation house has added value and interest to our area. We have no problem with the structure and do not find it offensive in any manner.

Sincerely,



The Emerson Family

RECEIVED
JAN 21 2014
COMMUNITY DEVELOPMENT
CITY OF AUBURN

January 19, 2014

City Of Auburn,
Planning Commission

To whom it may concern,

We are writing this letter in support of our neighbors, Mo Murphy and Scott Birk. This support is for their detached garden/meditation structure on their property located at 110 Channing Way, Auburn CA 95603.

We believe this well built, attractive, visually aesthetic, and useful structure adds to the unique character of our neighborhood. As a family, we are grateful to see Mo and Scott use their space in such an innovative way, on their small and attractive lot. The structure has only added to the beauty of their property, and has expanded their living space and usefulness of their home. We drive by this house every day on our way to and from our home, and at no point has the structure ever been a negative impact on the neighborhood.

I encourage the city to grant the requested variance to Mo and Scott, and to look into changing the zoning for other residents in regards to this type of structure.

Respectfully submitted,

Jeff and Elizabeth Hickman
Jeff and Elizabeth Hickman

275 Placerado Ave
Auburn, CA 95603

RECEIVED
JAN 22 2014
COMMUNITY DEVELOPMENT
CITY OF AUBURN

1/15/14

To: City of Auburn

Re: Scott + Maureen Murphy ~~Brick~~

From: Keith + Liz Hentschel

Let it be know that we support Scott + Maureen. The yard is fine, they like their privacy (like all of us) and we have never had any issues / concerns.

Our neighborhood has a harmonic vibe to it that we enjoy. Let Scott + Maureen have their piece / peace on the corner and allow their creativity to flow.

In Support.

Keith + Liz Hentschel
171 Brook Rd
Auburn CA 95603



9200 Cramer rd.
Auburn, Ca. 95602
916-402-8893

1-12-14

City of Auburn Planning Department and Planning Commissioners,

Greetings, my name is Ethan Noto. I am both a friend of Scott and Maureen and I helped them build their Tea House. I am also a fine woodworker and artist in Auburn.

I built this modest 6' x 8' structure for Scott and Maureen so that they could have a peaceful and beautiful place to "get away" in a sunny location.

It is constructed of high quality material with fine detailing. It is designed to be pleasing to the eye.

It was placed in the most logical location on their property. The area with the most sun and easy access from the house.

Because they are on a corner lot they do not have a backyard like most other lots in their neighborhood. Their "front" yard is their backyard.

They have a unique circumstance that makes it difficult if not impossible to use their lot like most people do.

Please support their request for a variance so that they can continue to enjoy the use of their property and their beautiful tea house.

Thank you,

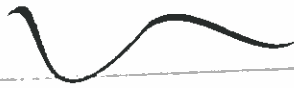
Ethan Noto
End Studio

A handwritten signature in black ink, appearing to read "Ethan Noto". Below the signature, the date "1-12-14" is handwritten in black ink.

1-12-14



LAMBERT
CHIROPRACTIC
CLINIC



January 8, 2014

To Whom it May Concern:

As neighbors of Scott Burke and Mo Murphy, we drive or walk by their house daily. We have never considered their property an 'eye sore'. Mo and Scott spend a lot of time caring for their gardens and home; we appreciate their energy and creativity with respect to managing their property. In our opinion their house blends into the neighborhood just fine.

Respectfully,

Matt Lambert, D.C.
Jacqueline Lambert
348 Placerado Ave
Auburn, CA 95603



January 12, 2014

Maureen Murphy and Scott Birk
110 Channing Way
Auburn, CA 95603

RECEIVED
JAN 14 2014
COMMUNITY DEVELOPMENT
CITY OF AUBURN

Dear Mo and Scott,

We are writing this letter in support of your application to the Auburn Planning Commission for a variance for your beautiful garden and meditation house. We have been your neighbors since 2010 and have enjoyed all of the creative improvements that you have made to your property. We believe that the work you have done, particularly in your yard, add to the character of our unique neighborhood in Auburn and feel that the City should allow it for the following reasons:

- Reasonable use of property: It is completely reasonable for you to have beautified your space in order to make the most of your property enjoyment. We do NOT believe it is reasonable for a neighbor to block the reasonable enjoyment of your private property. We hope that the Commission does not allow this case to become a precedent in our neighborhood.
- Not altering the essential character of the neighborhood: The garden and meditation house you have created are consistent with and improve upon the character of the neighborhood. The small meditation house is consistent with other out-building structures in the neighborhood (including 4 such structures on our own property and at least 20 others we counted in a short walk through the neighborhood).
- Special circumstance of having a corner lot without a backyard: Because your lot is on the corner of two streets and does not have a traditional "backyard", it is reasonable that you have decorated your space in a manner consistent with a backyard space. Also, we believe the positioning of trees and other shrubs in your yard create a vegetative boundary that makes the small meditation house and other improvements you have added unobtrusive.
- Undue hardship complying with zoning laws: The expectation to move or remove the improvements you have made to fit some zoning laws to the letter is an undue hardship and therefore granting a variance is reasonable.

We hope that the level heads of the Planning Commission see that your variance request is reasonable and that it is the right action to grant it so that you can go on enjoying the wonderful space you have created. If there are any questions, we can be contacted below.

Best Regards,



Matthew and Natalie Summers
155 Lubeck Road
Auburn, CA 95603
Phone: (530) 400-1692

Petition to approve variance for 6'x8'

accessory structure at 110 Channing Way, Auburn

<p>Petition summary and background</p> <p>Mayreen Murphy and Scott Birk commissioned a well-known artist/builder to create a modest 6' x 8', structurally sound and beautiful sanctuary to aid in relaxation and the pursuit of solitude. According to the Auburn Zoning Ordinance, this "teahouse" is too close to the property line, and must be moved or removed unless a variance is granted. The Zoning Ordinance does allow for deviation from the standards where undue hardship and special circumstances may result from the strict application of the standard.</p> <p>In this case, the substantial emotional, financial, and physical hardship involved in moving or removing the teahouse would be unnecessary. The special circumstance is that Maureen and Scott have a corner lot with no real back yard to place structures such as this. Also, the structure is necessary for reasonable use of the property, would not alter the essential character of the neighborhood and represents the least intrusive solution possible.</p>	<p>Action petitioned for</p> <p>We, the undersigned, are concerned citizens/neighbors who urge our leaders to act now to permit the existing location of the structure detailed above, due to undue hardship and special circumstances.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Printed Name	Signature	Address	Comment	Date
Peggy Spurrier	Peggy Spurrier	170 Brook Rd Aub	100 fine with Murphy's property & surroundings	1-18-14
Steve McElroy	Steve McElroy	174 Brook Rd	The tea house looks really nice	
RADALL ALFORD	Radall Alford	3300 Mary Ln	Looks OK To Me	1/18/14
Tom BUNIT	Tom Bunit	140 Channing Way	IT FINE	1/18/14
Julie Kelly	Julie Kelly	1355 Cul de Sac	Looks amazing and not obtrusive	1/18/14
Paula E. Baker	Paula E. Baker	190 Channing Way	We all need to invite	1-15-14
Phil Booker	Phil Booker	110 Channing Way		1-18-14
Kay Black	Kay Black	1100 Terrace St	NOT a problem	1/18/14

Printed Name	Signature	Address	Comment	Date
TED REA	<i>Ted Rea</i>	200 TERRACE ST AUBURN, CA		1/18/14
Patricia Fumble	<i>Patricia Fumble</i>	195 JUNE ST	It's a beautiful structure.	1/18
TERESA GOODMAN	<i>Teresa Goodman</i>	215 Terrace St		
MARK MAXWELL	<i>Mark Maxwell</i>	145 Terrace St		1/18/14
Kerry Alberts	<i>Kerry Alberts</i>	226 live Oak St		1-18-14
Glenn Maxwell	<i>Glenn Maxwell</i>	145 Terrace St		1-18-14
Bonnie Stephens	<i>Bonnie Stephens</i>	142 Brook Rd	Beautiful yard	1-19-14
Sue Emerson	<i>Sue Emerson</i>	155 TERRACE ST	Love the improvements We love the yard and structure. Hacks amazing	1-19-14
Danielle & Steve Rearick	<i>Danielle & Steve Rearick</i>	165 Shields Ave 180 Bridge Rd		1-20-14
Kathleen O'Brien	<i>Kathleen O'Brien</i>	345 Marvin Way	I love the character of this property.	1-19-14
Dan Richards	<i>Dan Richards</i>	12 Terrace Ct		1-19-14
Francis Salin	<i>Francis Salin</i>	100 LUGIE DR		1/19/14
JAESON WHITE	<i>Jaeson White</i>	105 Terrace St		1/19/14
Rob Hamilton	<i>Rob Hamilton</i>	195 CHANNING WAY		1/19/14
M. J. J. J. J.	<i>M. J. J. J. J.</i>	1205 CINDY DR		1/19/14

Petition to approve variance for 6'x8'

accessory structure at 110 Channing Way, Auburn

Petition summary and background	Maureen Murphy and Scott Birk commissioned a well-known artist/builder to create a modest 6' x 8', structurally sound and beautiful sanctuary to aid in relaxation and the pursuit of solitude. According to the Auburn Zoning Ordinance, this "teahouse" is too close to the property line, and must be moved or removed unless a variance is granted. The Zoning Ordinance does allow for deviation from the standards where undue hardship and special circumstances may result from the strict application of the standard.
Action petitioned for	In this case, the substantial emotional, financial, and physical hardship involved in moving or removing the teahouse would be unnecessary. The special circumstance is that Maureen and Scott have a corner lot with no real back yard to place structures such as this. Also, the structure is necessary for reasonable use of the property, would not alter the essential character of the neighborhood and represents the least intrusive solution possible. We, the undersigned, are concerned citizens/neighbors who urge our leaders to act now to permit the existing location of the structure detailed above, due to undue hardship and special circumstances.

Printed Name	Signature	Address	Comment	Date
Mary Kozak	Mary Kozak	105 Channing Way	I support Scott and Mo's project	1/21/14
Jacqueline Sinto	Jacqueline Sinto	111 Channing Way	I support Scott and Mo's project	1/21/14
Michelle Avalos	Michelle Avalos	171 Channing Way	I support Scott and Mo's project	1/21/14
Molly Durbin	Molly Durbin	149 Brook Rd.	I support Scott and Mo's project	1/23/14
Charles Robb	Charles Robb	330 main	I support Scott and Mo's project	1/23/14
Joanne Walker	Joanne Walker	205 Brook Rd	I support Scott and Mo's project	1-23-14
Barbara Needham	Barbara Needham	205 Brook Rd	I also support Mo & Scott's project	1-23-14
Doug McNeil	Doug McNeil	205 Mainway	Decided better me	1-23-14

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Printed Name	Signature	Address	Comment	Date
Chris Kamp	Chris Kamp	168 Brooks Rd.		11/23/2024

PLANNING COMMISSION RESOLUTION NO. 14-02
MURPHY TEA HOUSE VARIANCE (FILE: VA 14-01)

Section 1. The City of Auburn Planning Commission held a public hearing at its regular meeting of February 18, 2014, to consider a Variance request for the placement of an 8' x 6' accessory structure within the required 20-foot front yard setback of the property located at 110 Channing Way.

Section 2. The City of Auburn Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda report prepared by the Community Development Department for the February 18, 2014 Planning Commission meeting.
2. Site plan and project plans submitted by the applicant.
3. Staff presentation at the public hearing held on February 18, 2014.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

Section 3. In view of all of the foregoing information, the City of Auburn Planning Commission finds the following:

1. The Planning Commission, on the basis of the whole record before it (including the Environmental Determination and any comments received), finds that there is no substantial evidence that the project will have a significant effect on the environment and had determined that a Categorical Exemption is the appropriate level of environmental review in accordance with CEQA and the CEQA Guidelines. The Categorical Exemption reflects the lead agency's independent judgment and analysis.
2. All documents and materials relating to the proceedings for the Murphy Variance are maintained in the City of Auburn Community Development Department; 1225 Lincoln Way, Room 3; Auburn, CA 95603.
3. The granting of the variance will not be inconsistent with the limitations upon other properties in the vicinity and district in which the property is situated.
4. That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity in the same district.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission finds that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15303 (New Construction or Conversion of Small Structures) and 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines.

Section 5. In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission hereby approves the Variance for the placement of an 8' x 6' accessory structure within the required 20-foot front yard setback of the property located at 110 Channing Way, subject to the following conditions:

VARIANCE (FILE # VA 14-01):

1. The project is approved subject to Exhibits A & B on file in the Community Development Department. Minor modifications may be approved subject to review and approval by the Community Development Director.
2. The variance shall be valid for a period of one (1) year and shall become null and void on February 18, 2015 unless an extension is requested and granted from the Planning Commission.
3. The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorneys fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of this use permit, or the activities conducted pursuant to this use permit. Accordingly, to the fullest extent permitted by law, the applicant shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorneys fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this use permit, or the activities conducted pursuant to this use permit. Applicant shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

Section 6. In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission, upon motion by Commissioner _____ and seconded by Commissioner _____ hereby finds the project exempt from CEQA and approves the setback Variance for 110 Channing Way subject to the conditions listed above and carried by the following vote:

AYES:

NOES:

ABSENT:
ABSTAIN:

PASSED AND ADOPTED this 18th day of February, 2014.

Chair, Planning Commission
of the City of Auburn, California

ATTEST: _____
Community Development Department